

SEP 12 2006

Attorney Docket No.: 351913-992740

REMARKS/ARGUMENTS

I. Claims 9 and 15 were objected to as being in improper form. Applicants appreciate the examiner's care in reviewing these claims and have accordingly amended claims 9 and 15.

II. Claim 17 was objected to under 37 CFR 1.75(c). Claim 17 has now been cancelled rendering the objection moot.

III. Claim 1, 4, 5, 8-11 and 14-19 were rejected under 35 U.S.C. §102 (e) as being anticipated by U.S. Patent 6,952,034 ("Hu et al."). Applicants respectfully submit that the claims as amended herein overcome this rejection.

Specifically, independently claims 1, 5, 10 and 16 have been amended to recite that the channel region is only along the sidewall of the trench. This aspect of the invention is not disclosed in Hu et. al. A review of Hu et al. shows, e.g. Fig. 2O there is a portion of the channel region that is on the planar surface of the substrate which is controlled by the polysilicon spacer 68 (see also col. 9, lines 61-63). Thus, electrons move through a portion of the channel region which is horizontal.

In contrast, in the claims as amended herein, the channel region is only along the sidewall of the trench. Thus, Hu et al. does not disclose every element of the claims as amended.

As for dependent claims 4, 8-9, 11, 14-15, 18-19, since they depend on the amended independent claims, they would contain the same limitations. Accordingly, for at least the same reasons as set forth above, claims 4, 8-9, 11, 14-15, 18-19 are not anticipated by Hu et al.

If the Examiner feels that a telephone conference would speed the prosecution of this application, the Examiner is invited to call Applicants' attorney at the telephone number listed below.

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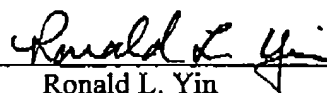
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The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to **Deposit Account Number 07-1896**, and reference Attorney Docket No. **351913-992740**.

Respectfully submitted,

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